

have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosch "Reviewing two multimedia Presentation (quasi-) Standards," IEEE, Copyright 1996. Applicant submits the following in traversal of the rejection.

As a preliminary matter, the Examiner has not addressed Applicant's arguments on page 2 of the Response filed February 6, 2004. In particular, the Examiner has not addressed Applicant's arguments that Rosch teaches away from the claimed invention. As previously indicated, Rosch teaches away from the use of HTML indicating that HTML does not provide all of the necessary tools for creating a multimedia presentation.

As it should have become clear during the presentation of the implementation of this simple scenario, the WWW's HTML Language is clearly not suited for this kind of multimedia information presentation. If the various trick and tools briefly described above were not available, our implementation of the GlassWWWay would have been impossible. See Rosch page 142, column 2, paragraph bridging pages 142-143.

On the other hand, an exemplary embodiment of the present invention suggests the use of a language like HTML because of its ease of use.

Furthermore, Rosch recommends the use of a rather complicated programming language such as Java. In order to use Java, however, one has to learn a new programming language and a

programmer needs to master the Java programming language. See Rosch page 148, second column, first full paragraph. This is contrary to the present invention which promotes ease of use for a user and would not require *a programmer* to design and produce the multimedia document. See page 2, third full paragraph of present specification. Since Rosch teaches away from the present invention, the combination of Rosch with the skill of one of ordinary skill in the art would not make the present invention obvious. Applicant respectfully requests that the Examiner address Applicant's argument that Rosch teaches away from the claimed invention. MPEP 707.07(f) ("Where the Applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the Applicant's argument and answer the substance of it").

Claim 1

The Examiner asserts that the ECA formalisms, as recited in claim 1, may reasonably be read upon the MHEG methods and authoring tools taught by Rosch. However, Rosch merely describes the existence of an action and a condition. The mere existence of an action and a condition does not equate to an ECA formalism. This would be apparent to one of ordinary skill in the art. Consequently, the Examiner has not established the obviousness of claim 1, and claim 1 and its dependent claims should be deemed patentable. Since claim 5 recites similar elements, claim 5 and its dependent claims should be deemed patentable for the same reasons.

Claim 2

In response to Applicant's argument that the Examiner has not established where the claimed elements, formalisms and identifiers, are disclosed in Rosch, the Examiner asserts that

the composite object provides a *reasonable suggestion* of an identifier of the start page and information page. The Examiner's interpretation of the prior art teachings is unreasonably broad. Rosch does not fairly suggest such a feature, except by impermissible hindsight. Such a mere scintilla of a suggestion of an identifier is insufficient evidence to establish a *prima facie* case of obviousness. Furthermore, the Examiner has not established that an association between elements and formalisms is established by the identifier. Since the Examiner has failed to establish that all of the claimed elements are taught in the art, the rejection under §103 should be withdrawn and claim 2 should be deemed patentable.

Claim 3

Claim 3 recites that the description language complies with the XML recommendation. The Examiner asserts that Java/HTML are logical and well-suited language formats for interactive multimedia documents, therefore, the utilization of elements within a format language demonstrates similar aspects of XML language and would be interchangeable with the WWW and the Internet.

However, as indicated above, Rosch teaches away from the use of HTML describing HTML as inadequate for reasons including HTML's lack of tricks and tools for GlassWWWay implementation. See Rosch page 143, second column, paragraph bridging pages 143-144.

The Examiner alternately refers to the Java aspect of Rosch for teaching the elements of claim 3. However, HTML and not Java was the basis of the Examiner's rejection of claim 1. Therefore, the Examiner is inconsistently alternating between different embodiments disclosed in

Rosch in order to meet the requirements of the claimed invention. This evinces that the Examiner's reasoning is primarily based on impermissible hindsight.

The Examiner also asserts that the MHEG object representation method provides an alternate notation of SGML and that SGML provides a framework for markup languages. The Examiner additionally asserts that XML is an extension of SGML therefore it would have been an obvious inclusion to one of ordinary skill in the art because it would have provided enhanced naming conventions within the framework of the SGML markup language. However, the Examiner has still not explained why Java aspects (cited for teaching a description language that complies with the XML recommendation) would be combined with HTML or MHEG. Since the Examiner has not established that the elements of claim 3 are taught in the art, claim 3 should be deemed patentable.

Claim 10

The Examiner has not addressed Applicant's arguments with respect to claim 10 raised in the previously filed Response. Claim 10 recites that "said status of an element goes from a false state to a true state or vice versa as a result of the occurrence of an event which is the result of a behavior of an element".

The Examiner states that the elements within a multimedia document have to be in an on or off state for an event to occur, citing page 143-144. Pages 143 and 144 describe the operation of the MHEG standard and its use of links and objects. At most, Rosch discloses trigger conditions and action objects. When the trigger condition becomes true, the action object is

executed. There does not appear to be any indication of going from an on and off state as a result of the occurrence of an event. Therefore, claim 10 should be deemed patentable.

Claim 13

The Examiner has not addressed Applicant's arguments with respect to claim 13. In rejecting claim 13, the Examiner asserts that links are needed for each button element and that the link specifying the transition from highlighted to pressed contains additional actions in order to enter another state of the scenario.

However, as indicated in the previously filed Response, the Examiner has not established that "said links comprise at least one of each of a link devoted to events, a link devoted to conditions and a link devoted to actions", as recited in claim 13. Rosch merely states that links express interactive behavior in a multimedia presentation. The links of Rosch do not establish the obviousness of claim 13. Consequently, claim 13 should be deemed patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. APPLN. NO.: 09/373,240

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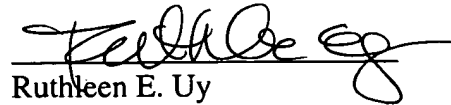
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